

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DAWN C. LAXTON,

Plaintiff,

V.

GREENBRIAR CHILDREN'S
CENTER, INC.,

Defendant.

Case No. CV409-111

REPORT AND RECOMMENDATION

The Court granted plaintiff Dawn C. Laxton leave to file this employment, race-discrimination case against the Greenbriar Children's Center, Inc., without prepayment of the filing fee. Doc. 3. Since she proceeded pro se, it also advised her that she must follow all of the rules of court, including her duty to participate in discovery in order to responsibly litigate her case. Doc. 5. Later, Greenbriar successfully moved for an Order compelling her to uphold that duty. Doc. 15, 20. The Court warned Laxton, inter alia, "that she has no choice about answering simple discovery questions aimed at uncovering the who, what,

why, when and where of her claims, including who would have knowledge of them, who witnessed any alleged acts of discrimination, etcetera. Doc. 20 at 3. The Court therefore directed her to comply fully with all pending discovery requests within 14 days or suffer dismissal. *Id.*

Because she has not complied, Greenbriar moves to dismiss her case with prejudice under Fed. R. Civ. P. 41(b) and Local Rule 41.1. Doc. 21. Laxton has failed to respond. "Failure to respond within the applicable time period shall indicate that there is no opposition to a motion." Local Rule 7.5. Both procedurally, then, as well as on the merits, Greenbriar is entitled to dismissal. The Court expressly warned Laxton to comply, yet she has not.

Accordingly, her case should be **DISMISSED WITH PREJUDICE.**

SO REPORTED AND RECOMMENDED this 12th day of April, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA